IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3634 OF 2006

Ravaji Dharma Bhagat Applicant
versus
The State of Maharashtra Respondent

Mr.R.R.Salvi for applicant.
Mrs.M.H.Mhatre, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th October 2006

PC :

1. Heard Shri Salvi appearing for the applicant and Mrs.Mhatre, APP for State.

2. The applicant apprehends arrest in connection with CR No.81 of 2006 which is registered at Neral Police Station.

3. The offences alleged are punishable under sections 147 to 149, 336 and 307 of IPC..

4. It is not disputed before me that except present applicant and one Mahendra Ravaji Bhagat i.e. his son, all other accused have been

enlarged on bail. As far as incident of 13th September 2006 is concerned, although the applicant and his son are alleged to be present at the site, there is no overt act attributed to them. They have not played any role in the alleged assault. The incident appears to have occurred on account of some differences after Ganpati Festival. In such circumstances and when investigations are more or less complete, in my view, the custodial interrogation of the applicant who is an employee of Railways is not necessary. That is observed even by the Trial Court. The Trial Court has noted the fact that the applicant belongs to another group. He also was assaulted and in fact the applicant was admitted in the hospital. For all these reasons, the following order would serve the ends of justice.

5. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.81 of 2006 registered with Neral Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in the like sum;

(ii) The bail is granted subject to condition that the applicant will attend Neral Police Station as and when summoned;

(iii) The applicant shall forthwith furnish his residential address to the I.O. and shall not change his residence without giving prior intimation to the I.O;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vi) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief;

(vii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)